AO 91 (Rev. 08/09) Criminal Complaint

FILED
MAY - 5 2017
CLERK, U.S. DISTRICT COURT

# UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

United States of America
v.

CHIGHALY KLEIB,
a/k/a CHIKALY KLEIBE

Defendant(s)

Case No. 3:17MJ 79

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 25, 2017 in the county of Henrico in the Eastern District of Virginia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1073	Unlawful Flight to Avoid Prosecution

This criminal complaint is based on these facts:

See attached affidavit, incorporated herein.

☑ Continued on the attached sheet.

Reviewed by AUSA/SAUSA:
Jessica D. Aber

Complainant's signature

TFO Philip F. Johnakin, FBI

Printed name and title

Sworn to before me and signed in my presence.

/S/
David J. Novak
United States Magistrate Judge

Date: ____________

Judge's signature

City and state: Richmond, Va.

Hon. David J. Novak, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	Criminal No. 3:17MJ 79
CHIGHALY KLEIB,	)	
	)	
a/k/a CHIKALY KLEIBE,	)	
	)	
Defendant.	)	

AFFIDAVIT IN SUPPORT OF PROBABLE CAUSE FOR ARREST

Your affiant, Philip F. Johnakin, being duly deposed and sworn, says as follows:

1. Your affiant is a law enforcement officer within the meaning of Title 18, United States Code, Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. Your Affiant has been a police officer with Henrico County Division of Police since March 1998. Your affiant has worked in Patrol Operations, Organized Crime Section, and Criminal Investigative Section while employed by Henrico County Police. Your affiant is currently is currently assigned as a Detective to the Criminal Investigation Section and assigned to the Federal Bureau of Investigation (FBI) as a Task Force Officer on the Central Virginia Violent Crimes Task Force. Your Affiant has participated in several search warrants and in the arrest of subjects which led to convictions in the Circuit Courts in the County of Henrico, Virginia, the City of Richmond, Virginia, and in United States District Court for the Eastern District of Virginia. During my time as a law enforcement officer, I have cultivated and utilized informants for the detection and enforcement of a variety of crimes and violations. The crimes I investigate are violent and usually involve two or more individuals and I am familiar

with the methods the violent offender use to conduct their illegal activities to include their communication methods. Finally, I am aware that those who commit criminal acts, if not held in custody pending trial, have an incentive to flee in order to avoid prosecution.

2. I present this affidavit in support of a Criminal Complaint alleging a violation of Title 18, United States Code, Section 1073, Unlawful Flight to Avoid Prosecution, by CHIGHALY KLEIB, a/k/a CHIKALY KLEIBE, DOB: 10/XX/1984, SSN: XXX-XX-9791.

3. The information contained in this affidavit is either based on your affiant's personal knowledge and observations, the knowledge and observations of cooperating sources and other reliable sources of information, or information relayed to your affiant by other federal agents and state and local police officers. This affidavit is not intended to include every fact and matter known to your affiant or the United States. I have set forth only those facts necessary to support probable cause for this action.

4. On April 24, 2017, KLEIB was charged in Henrico County, Virginia, with six counts of violation of Virginia Criminal Code §§ 58.1-1017.1 to wit: feloniously possess with intent to distribute more than 5,000 (25 cartons) but less than 40,000 (200 cartons) of tax-paid cigarettes, having previously committed the same offense, six counts of violation of Virginia Criminal Code 58.1-1017.3 to wit: feloniously possess with intent to distribute more than 5,000 (25 cartons) but less than 40,000 (200 cartons) of tax-paid cigarettes, six counts of violation of Virginia Criminal Code §§ 58.1-1017.4 to wit: having previously committed the same offense, purchases 5,000 (25 cartons) cigarettes or fewer using a forged business license, a business license obtained under false pretenses, a forged or invalid Virginia sales and use tax exemption certificate, or a Virginia sales and use tax exemption certificate obtained under false pretenses, and six counts of violation of Virginia Criminal Code §§ 18.2-111to wit: wrongfully and

fraudulently use, dispose of, conceal or embezzle any money, bill, note, check, order, draft, bond, receipt, bill of lading or any other personal property, tangible or intangible, which he shall have received for another or for his employer, principal or bailor, or by virtue of his office, trust, or employment, or which shall have been entrusted or delivered to him by another or by any court, corporation or company (embezzlement).

5. KLEIB was charged with numerous other individuals in a large cigarette trafficking case. I know that an internet source published the names of the defendants in these cases. Based on interviews of KLEIB's associates, I know that KLEIB became aware of a pending indictment against him. At least one of KLEIB's associates says that KLEIB left the area immediately following the indictment being unsealed on April 25, 2017, and fled to the State of New York in an attempt to flee the United States of America. Prior to fleeing the Richmond, Virginia area BEIJARY lived in Henrico County, Virginia, for more than two years.

6. A source of information who has been reliable in the past told law enforcement agents KLEIB fled Virginia with EL MANNY BEJARY to New York. Law enforcement agents know BEIJARY and KLEIB have a long history of working together as well as being friends.

7. During the investigation, law enforcement has become aware of a cellular phone number belonging to BEIJARY. A search warrant was obtained regarding BEIJARY's cellular telephone for real time location data through the cellular provider.

8. The real-time location data shows that the cellular phone belonging to BEIJARY is in the Harlem, New York area. BEIJARY is known to have friends in the area of where the phone has been located.

9. Based on the foregoing information, there is probable cause to believe that CHIGHALY KLEIB, a/k/a CHIKALY KLEIBE, did flee the Commonwealth of Virginia with the intent to avoid prosecution, in violation of Title 18, United States Code, Section 1073.

TFO Philip Johnakin
Federal Bureau of Investigation

Sworn to and subscribed before me this 5th day of May, 2017

/S/
David J. Novak
United States Magistrate Judge